

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ATTICUS LIMITED LIABILITY COMPANY,

No. 1:22-cv-10147-DLC

Plaintiff,

and

AARON SORKIN,

Involuntary Plaintiff,

-against-

THE DRAMATIC PUBLISHING COMPANY,

Defendant.

DECLARATION OF KEVIN TOTTIS

I, Kevin Tottis, declare as follows:

1. I am an attorney at TottisLaw, which, along with Goodwin Procter LLP and McLaughlin & Stern, LLP, is counsel of record for defendant The Dramatic Publishing Company (“Dramatic”). I make this declaration in support of Dramatic’s opposition to Atticus’ motion for attorney’s fees (ECF No. 94).

2. I was lead counsel for Dramatic in its arbitration with the Estate of Nelle Harper Lee (the “Arbitration”). Attached as Exhibit A is a true and correct excerpt from Dramatic’s post-hearing brief addressing the exclusivity argument.

3. Attached as Exhibit B is a true and correct copy of the The Code of Ethics for Arbitrators in Commercial Disputes of the American Arbitration Association effective March 1, 2004.

4. After reviewing the invoices Dramatic received from its attorneys for services provided in connection with the arbitration, I estimate that Dramatic incurred fees of less than \$200,000 in connection with the exclusivity issue. This includes fees incurred in connection with the Estate's motion for partial summary judgment, the arbitration hearing itself (where the exclusivity issue only came up during post-hearing argument), and the post-hearing briefing.

5. During the nearly 25 days of testimony, there was no testimony from any of the 13 witnesses related to any facts involving the exclusivity issue.

6. I have reviewed the closing argument transcript from the arbitration, much of which is confidential. The transcript pages from the closing argument total 106 pages, of which 8 involve argument about the issue of exclusivity.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: September 8, 2023

/s/ Kevin Tottis

Kevin Tottis